

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of decision: 21.03.2017

CWP No.5742 of 2017

Rajesh Bakshi

...Petitioner

Vs.

The Secretary to Government of India & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Manu K. Bhandari, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

An anomaly in pay scales has been brought as a grievance to this Court in this petition filed under Article 226 of the Constitution seeking directions to the North Zone Cultural Centre (NZCC) to remove the anomaly in pay scales and thereby re-determine promotions from the due dates, so that the persons lower in class and status do not enjoy pay scales higher than the petitioner, which anomaly has resulted from past promotions made without being routed through the Departmental Promotion Committee.

The petitioner is a Clerk -cum- Typist working since 1996 in the respondent department. In the beginning the entire staff of NZCC was engaged on contract basis, but later on things changed. The petitioner has brought his grievance to the notice of the authorities in NZCC through various representations made since 23.11.2015 (Annex P-8), followed by representations dated 12.12.2015, 01.04.2016 & 24.11.2016 (Annex P-9 to P-11 respectively) and lastly through a legal notice dated 16.01.2017 (Annex P-13). These representations/legal notice have evoked no response from the

authorities and which if left unattended would be to the financial detriment of the petitioner.

Mr. Bhandari appearing for the petitioner on instructions from his client submits that he would be satisfied if this petition is disposed of with a direction to the competent authority in the respondents to decide the representations/legal notice by passing a speaking order after hearing the petitioner in person.

The request of Mr. Bhandari is found to be fair and reasonable since a grievance must be resolved as soon as possible especially when serious rights of pay and promotion are involved. Accordingly, a direction is issued to the competent authority in the respondents to take up the representations/legal notice, hear the petitioner and decide the same within a period of two months from the date of receipt of certified copy of this order, either from this Court or from the petitioner, whichever is earlier. It is made clear that while passing the order in accordance with law, the competent authority will pay due regard to the recommendations made by respondent No.1 vide order/letter dated 07.11.2015 (Annex P-7).

With the above observations and directions, the petition stands disposed of without expressing any opinion on the merits of the claim/s.

21.03.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>